

**IN THE UNITED STATES DISTRICT COURT FOR  
THE WESTERN DISTRICT OF NORTH CAROLINA  
ASHEVILLE DIVISION  
1:09 cv 409**

**UNITED STATES OF AMERICA,**

**Plaintiff**

**v**

**100 Sherwood Forest Drive, Nebo, McDowell  
County, North Carolina, as described in a  
Deed at Deed Book 258, Page 431, in the  
Public Registry of McDowell County, North  
Carolina, being real property, together with  
the residence, and all appurtenances,  
improvements, and attachments thereon,**

**and**

**\$700.00 in Unites States Currency,**

**Defendants.**

**ORDER**

**THIS MATTER** has come on before the undersigned pursuant to the court's own motion and also pursuant to a motion filed by plaintiff entitled "Motion for Hearing" (#10). In the motion, plaintiff requested that a hearing be set to establish a pretrial order and case management plan in the above entitled matter. An Order (#11) was entered on February 8, 2011 setting a hearing for Friday, February 18, 2011 at 10:00 o'clock a.m. At the time of that hearing, plaintiff's counsel appeared, the single claimant's counsel, Mr. Wayne Clontz did not appear and as a result of his nonappearance, the hearing could not be conducted. At the time of the call of the matter on for hearing, counsel for plaintiff further advised the court that there was a possibility there was an additional claimant in this matter. The court made an inquiry and found that counsel for the original claimant, Tammy Sullivan, had also presented

to the Assistant United States Attorney a purported claim and answer of another claimant. An examination of the court file does not show that the attorney for the potential additional claimant has filed those documents with the clerk. Additionally, Mr. Wayne Clontz, the attorney who has filed a claim and answer, has been requested by the Clerk's Office to register for ECF training but he has failed to complete the required training or to respond to the inquiry made by the clerk as to that failure.

### **ORDER**

**IT IS, THEREFORE, ORDERED** that a hearing will be held on **Monday, February 28, 2011 at 9:30 o'clock a.m.** in courtroom #2 of the United States Courthouse in Asheville, NC for the following purposes:

- 1) To hear and determine whether or not sanctions should not be imposed upon the present claimant's attorney Wayne Clontz, pursuant to the inherent power of the court for;
  - (a) Mr. Clontz's failure to appear at the hearing of this matter that was scheduled for February 18, 2011;
  - (b) To hear and determine whether sanctions should be imposed upon Mr. Clontz for his failure to file with the clerk the claim and answer of the additional potential claimant in this matter;
  - (c) To hear and determine whether sanctions should be imposed upon Mr. Clontz as to his failure to register and complete ECF training as required by the clerk and for his failure to respond to inquiries made by the clerk;

2) For the purpose of establishing a pretrial order and case management plan in the above entitled matter, if possible; and

3) To further hear such other matters as may be necessary for the proper court administration of the above entitled matter.

Signed: February 24, 2011

Dennis L. Howell

Dennis L. Howell  
United States Magistrate Judge

